

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date: by Pltff. 7-15-74

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
ALLENDALE MUTUAL INSURANCE COMPANY, a Rhode Island corporation  vs  CHEROKEE NITROGEN COMPANY, an Oklahoma corporation		For plaintiff:  Richard T. Sonberg 583-5985 815 Thompson Bldg., Tulsa, Ok. 74103  Harding A. Orren and Robins, Davis & Lyons 33 South 5th Minneapolis, Minn. 55402  Thomas R. Brett 583-1115 1700 4th Natl. Bank Bldg. Tulsa, Okla. 74119   For defendant:  <del>Don A. Rogers</del> <del>117 E. 5th</del> <del>Tulsa, Okla. 74103</del> <del>(585-5111)</del> + Dale Warner ✓ Joseph M. Best (582-8877) Franklin Bldg. Tulsa 74103  Thomas R. Brett - (Grand River Dam) 1700 Fourth Natl. Bank Bldg. Tulsa, Oklahoma 74119-			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-73	Clerk	1973 9-25 9-27	Sonberg C/D #9	15 00	15 00
J.S. 6 mailed 4-1-75	Marshal				
Basis of Action: Property damages from explosion	Docket fee Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-25-73	Complaint, filed. Summons issued. g	
10-15-73	U. S. Marshals Service ret. & filed. served Cherokee Nitrogen Co., 10-1-73 at Pryor, Ok. jj (USM \$16.16)	
10-17-73	Appl. of deft. for ext. of time to answer, filed. rm <i>e t. y</i>	
10-18-73	First interrogatories by pltf. to deft., filed. g	
10-19-73	Order granting ext. of time to Nov. 19, 1973 to answer, filed. (AEB-J)a copies mailed	
11-16-73	Answer of deft. filed. v	
11-16-73	Appl. for ext. of time to ans. interrogs, filed by deft. v (o)	
11-19-73	Order granting def. to 11/27/73 to ans. interrogs. (AEB-J)rm <i>copies mailed</i>	
11-27-73	Appl. of deft. for ext. of time to ans. interrogs., filed. rm	
11-28-73	Order grant def. to 12/6/73 to ans interrogs, filed (AEB-J)a	
12-3-73	Deft's ans. to first interrogatories, filed. a	
12-12-73	MO: Parties directed to hold PT conference prior to 1-21-74 and file PT Order not later than 1-30-74. (AEB-J)v notices mld.	
2-6-74	Notice of taking deposition of Doug Wells, filed. s	
2-21-74	Plaintiff's request for production of documents, filed. e	
2-25-74	Appl. of pltf for continuance of pre-trial conference, filed. g	
2-25-74	Stipulation for continuance of pre-trial, filed. g	
2-25-74	Order striking case from pre-trial docket of 1-21-74 and rescheduling pre-trial conference for 4-15-74, filed. (AEB-J)g <i>copies mailed</i>	
4-30-74	Application of both parties for additional continuance of pretrial conference, filed. ds	
5-6-74	Deposition of Kenneth J. Hassinger, on behalf of pltf., taken before Loyd J. Christesseon on 2-7-74, filed. (\$136.00, pd. by pltf.) e	
5-6-74	Deposition of Paul Littlefield, on behalf of pltf., taken before Loyd J. Christesson on 2-7-74, filed. (\$44.00, pd by pltf.) e	
5-6-74	Deposition of Joe Fulmer, on behalf of pltf, taken before Loyd J. Christesson on 2-6-74, filed. (\$202.00 pd by pltf.) e	
5-6-74	Deposition of Paul Cooper, on behalf of pltf, taken before Loyd J. Christesson on 2-7-74, filed. (\$82.00 pd by pltf.) e	
5-6-74	Deposition of Louis Gabbard on behalf of pltf, taken before Loyd J. Christesson on 2-8-74, filed. (\$52.00, pd by pltf.) e	
5-6-74	Deposition of Douglas Ray Wells, on behalf of pltf taken before Loyd J. Christesson on 2-7-74, filed. (\$90.00, pd by pltf.) e	
5-6-74	Deposition of George Hauenstein, on behalf of pltf, taken before Loyd J. Christesson on 2-8-74, filed. (\$74.00) pd by pltf.) e	
5-6-74	Deposition of Carl C. Scheetz, on behalf of pltf, taken before Loyd J. Christesson on 2-8-74, filed. (\$60.00 pd by pltf.) e	

## D. C. 110A Rev. Civil Docket Continuation

9

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-7-74	Order, filed, striking case from pre-trial docket of 4-15-74 and re-setting for pre-trial on 7-1-74. (AEB-J)g cpies mailed	
7-2-74	Pre-trial order, filed. (AEB-J)k	
7-15-74	Pltf's Application for Jury Trial, filed. b <i>ch J</i>	
7-16-74	Order, filed, allowing trial by jury. (AEB-J)g cpies mailed	
8-2-74	Request for inspection of documents by plaintiff, filed. g	
8-19-74	MO: Case set for jury trial on 11-11-74, at 9:30 A.M. (AEB-J) b	
9-9-74	MO: It is ordered by the Court that the Court having heretofore consolidated 74-C-304 & 74-C-324 with 74-C-279, IT IS NOW ORDERED that 74-C-304, 74-C-324 & 74-C-279 are consolidated with 73-C-319. IT IS FURTHER ORDERED that all parties in these cases be notified that the cases are set for jury trial on November 11, 1974, at 9:30 A.M. (AEB-J)b	
9-9-74	Ordered by the Court that case set for jury trial on 11-11-74, at 9:30 A.M. (AEB-J)b	
9-27-74	Application for substitution of attorneys for deft., filed.k <i>0 to FD</i>	
9-27-74	Notice to Take Deposition of R. D. Freeman, filed.jj	
10-3-74	Order, filed, that appl. of Dan Rogers to withdraw is granted and Joseph M. Best is substituted therefor. (FD-J)rm - copies mailed	
10-7-74	Notice of pltf. to take deposition under Rule 30, filed. lm	
10-11-74	Motion of defendant to require joinder of addl. parties pltf., filed. rm	
10-11-74	Brief of def. in support of mo/require joinder, filed. rm	
10-11-74	MO: Ordered by the Ct. that pltf's. are granted 10 days in which to respond to def. motion to require joinder of addl. parties pltf., w/brief. (AEB-J)rm - ltr. written	
10-15-74	Motion of pltf's. for leave to amend complaints (w/proposed Amended Complaints attached), filed. rm	
10-15-74	Brief in support of mo/amend, filed. rm	
10-15-74	MO: Ordered by the Court that if the defs. desire to object to the proposed Amended Complaints of pltf's. herein, they may do so within 10 days from this date. (AEB-J)rm - ltr written	
10-16-74	RESPONSE, of pltf. Grand River, etc. to Mtn. of Deft. Cherokee Nitrogen Company of Grand River Dam Authority (Mtn. to require joinder of addl. parties pltf.), filed.jj	
10-18-74	Transcript of <u>ORAL DEPOSITION</u> of Ben E. Wolfe taken 10-9-74 before Gaylia Jordan, CSR, in Dallas, TX, filed. v	
10-21-74	Application of Deft. Cherokee Nitrogen for Continuance of PT Conf. scheduled 10-23-74, filed.jj 0 to J	
10-24-74	Consent of Pltf's to Joinder of Insurers as Party-Plaintiffs and Entry of Appearances., filed. lm	
10-24-74	It is ordered that since the plaintiffs have filed a consent to the (over)	

DATE	PROCEEDINGS	Date Order or Judgment Note
	joinder of insurers as party-plaintiffs, the motion of defendant to require joinder of additional parties plaintiff is granted, and Appalachian Insurance Company, a corporation, and Arkwright-Boston Manufacturers Mutual Insurance Company, a corporation, are added as additional parties plaintiff in Cases 74-C-279 and 74-C-304 respectively. (AEB-J)hm (letter written)	
10-24-74	Pltf's Offer of Amended Pre-Trial Order, filed. lm	
11-5-74	Dep. of R. Freeman on behalf of pltfs., taken before James C. Hickerson, CSR. \$111.47 fee pd. by pltfs Allendale etc. and Natl. Gypsum Co. & Certain-Teed Prod. Corp., filed.jj	
11-5-74	Applic. of deft. Cherokee Nitrogen Co. to strike case from trial docket, filed. hm 059	
11-5-74	Deft's (Cherokee Nitrogen) objection to the untimely filing of an amended complaint by Certain-teed Products Corp., filed. hm	
11-5-74	Memo brief of plaintiffs in opposition to striking case from jury docket, filed. hm	
11-6-74	Brief in support of deft's objection to the filing of an amended complaint by Certain-Teed Products Corporation, filed. hm	
11-7-74	Order Granting until 12-7-74, for pre-trial order to be filed, signed & filed.(AEB-J)b copies mld.	
11-7-74	ORDER allowing Deft's Application Striking Case from Trial docket of 11-11-74, filed& entered.(AEB-J)b copies mld.	
11-7-74	Additional Witnesses for Pltfs., filed.jj	
11-7-74	Pltf.s' Trial Brief, filed.jj	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
1-28-75	Supplemental interrogatory, filed. g	
1-31-75	APPLICATION for leave to amend complaint of National Gypsum Co., filed, lm (o to J)	
1-30-75	Stipulation & request by all parties for new pre-trial setting, filed. v	
1-31-75	Order, filed, allowing Pltf. Ntl. Gypsum Co., to Amend Compl. (HDC-J)v	
2-3-75	Order, filed, granting pltfs. permission to amend complaints; pltfs. given 10 days to file said complaints & deft. 20 days thereafter to answer. (HDC-J)hm (copies mailed)	
2-3-75	Amended complaint of Allendale Mutual Insurance Company, filed. hm(J/T dem)	
2-3-75	Amended complaint of Certain-Teed Products Corp., filed. hm(J/T demand)	
2-3-75	Amended complaint of National Gypsum Company, filed. hm (J/T demand)	
2-5-75	Amendment to first amended complaint of National Gypsum Co., filed.hm	
2-6-75	MO: Case set for pre-trial hearing on 2-25-75 at 4:00 p.m. (HDC-J)hm	
2-25-75	Cases called for pre-trial hearing. Parties announce cases 73-C-319, 74-C-279 & 74-C-304 have settled. Final papers to be filed. In 74-C-324, parties waive jury & case to be tried to Court. Parties to advise Court	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	within 3 weeks of status of settlement negotiations & if case not settled, pre-trial order to be filed at that time, along with trial briefs. Case to then be set for non-jury trial latter part of April or first part of May. (HDC-J)hm	
3-13-75	Stipulation for Dismissal with Prejudice, filed. v (o)	
3-14-75	Order of dismissal with prejudice, filed and entered. (HDC-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Note